

# **Exhibit 6**



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE  
**Statistical Data**

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**Central Reexamination Unit (CRU)**

*Ex Parte (EP) and Inter Partes (IP) Proceedings*  
**Fiscal Years 2012-2013**



U.S. Department of Commerce

## Frequently Used Acronyms

**3PR** = Third Party Requester

**41.77 Rejection** = A new ground of rejection issues by the Patent Trial Appeals Board in an *Inter-Partes* Reexamination proceeding issued pursuant to 37 CFR 41.77(a)

**ACP** = Action Closing Prosecution

**AIA** = America Invents Act

**Appeal** = An Appeal by the one of the parties of the Examiner's decision

**CAFC** = Court of Appeals for the Federal Circuit

**CRU** = Central Reexamination Unit

**EP** = *Ex Parte* Reexamination Proceeding

**FR** = Final Rejection

**IP** = *Inter Partes* Reexamination Proceeding

**NF** = Non Final Office Action

**NIRC** = Notice of Intent to Issue a Reexamination Certificate (*Inter Partes* or *Ex Parte*)

**NIR Ced** = Proceeding terminated by the issuance of a Notice of Intent to Issue a Reexamination Certificate

**PO** = Patent Owner

**PTAB** = Patent Trial Appeals Board, data includes decisions by its predecessor the Board of Patent Appeals and Interferences (BPAI)

**RAN** = Right of Appeal Notice

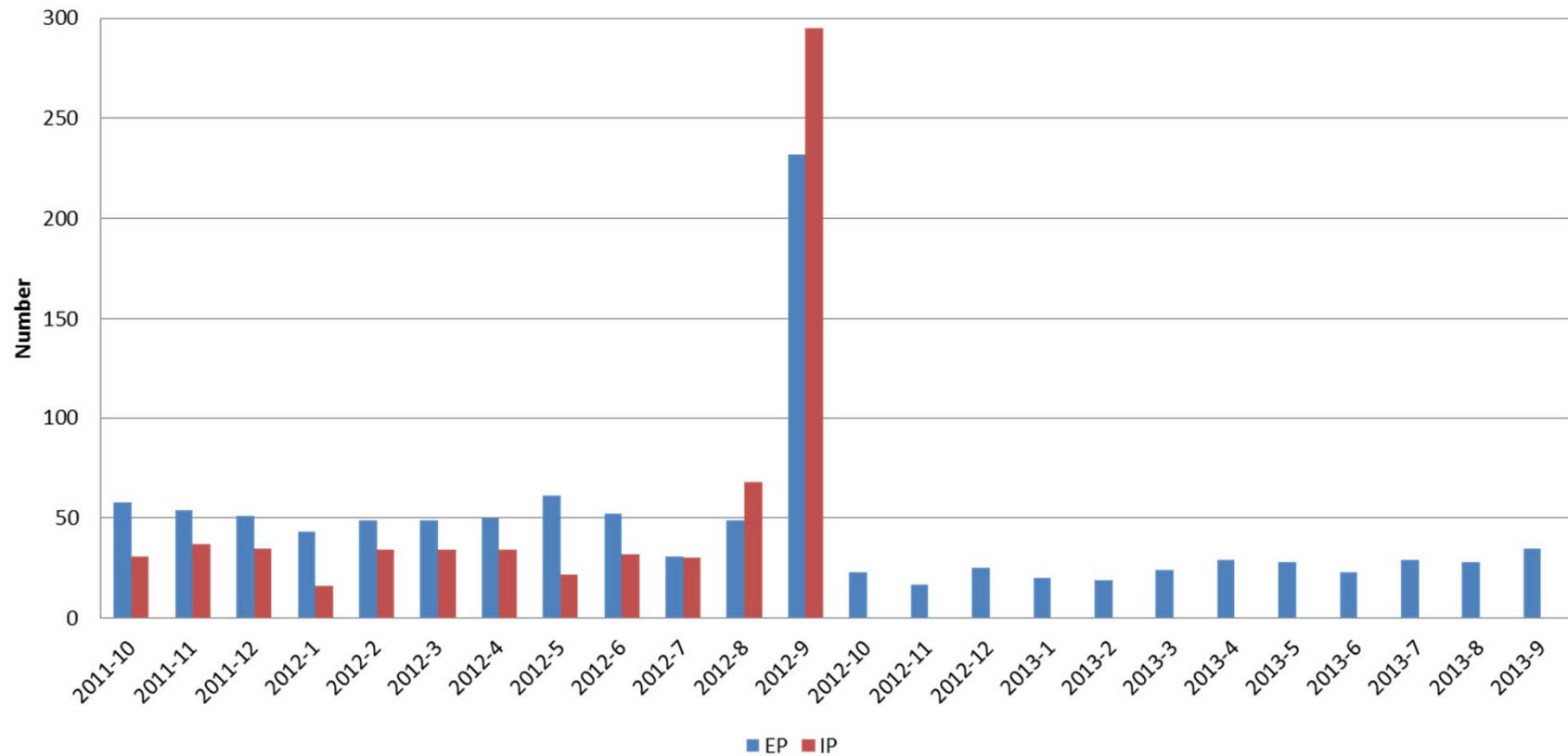
**RLP** = Reasonable Likelihood of Prevailing of rejection in a IP reexamination proceeding filed after September 16, 2011

**SNQ** = Substantial New Question of patentability



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## Reexamination Filings Fiscal Years 2012 - 2013



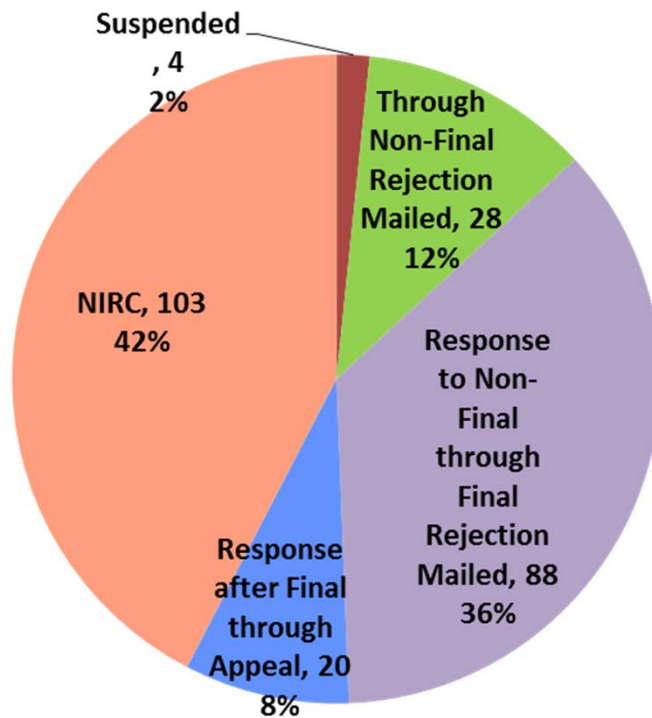
As of September 16, 2012, Inter Partes Reexaminations were no longer available

Data as of 9/30/2013

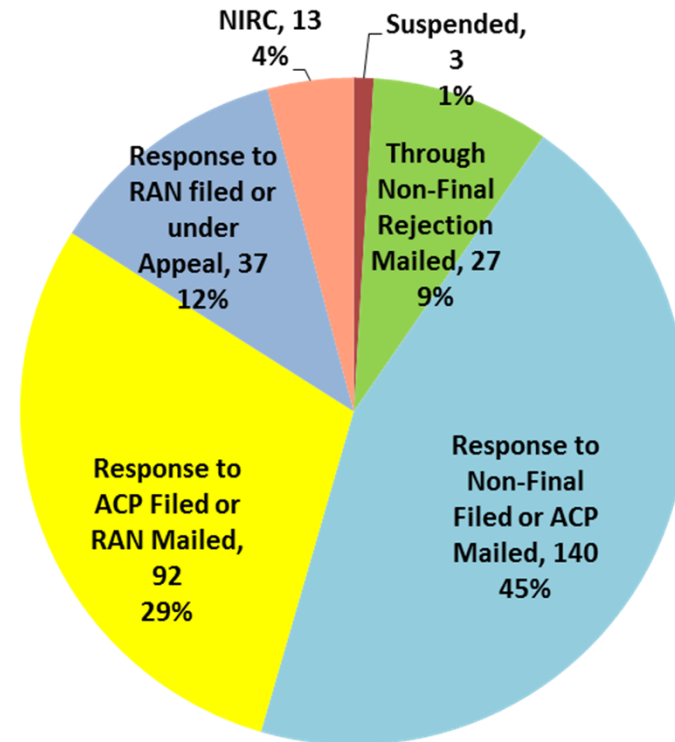


## Prosecution status of Reexams Filed Aug 12, 2012 to Sept 15, 2012

**Ex Parte Reexaminations Filed**



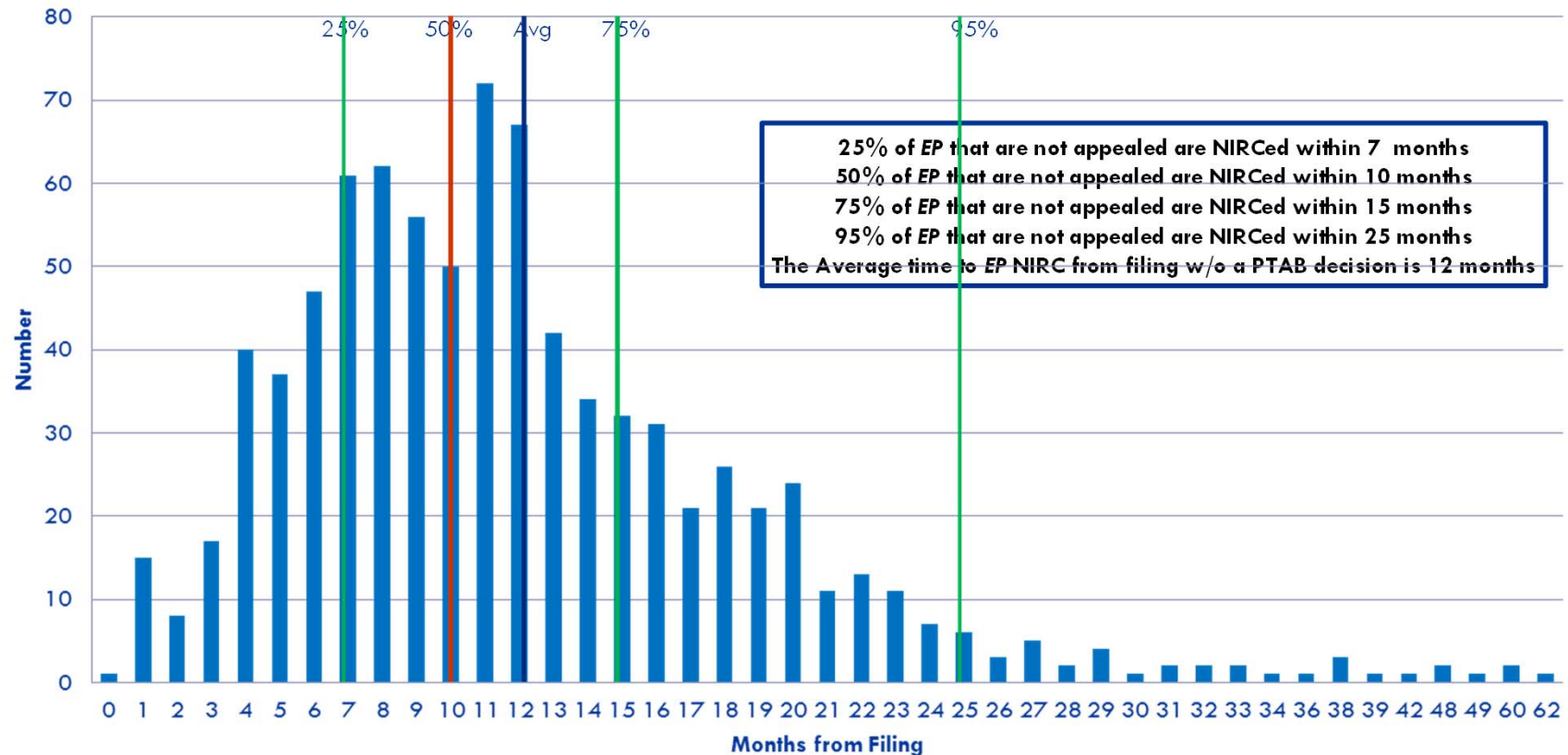
**Inter Partes Reexaminations Filed**





## Central Reexamination Unit (CRU) Processing Time Ex Parte Reexaminations - Total Time from Filing to NIRC For Cases without Appeals

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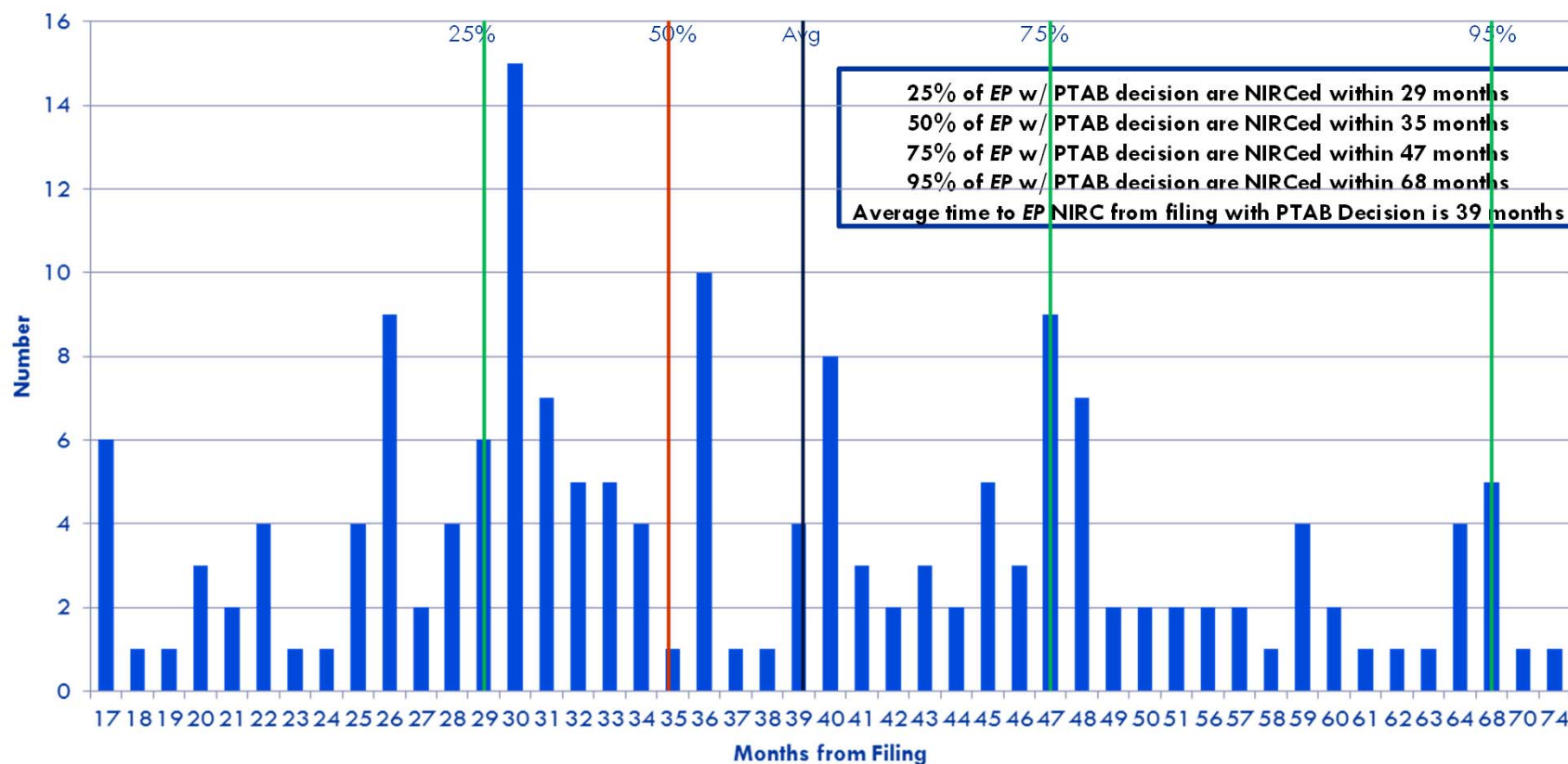
Proceedings with Notice of Intent to Issue Reexamination Certificate mailed  
Fiscal Years 2012-2013

Data as of 9/30/2013



## Ex Parte Total Time from Filing to NIRC with PTAB Decision

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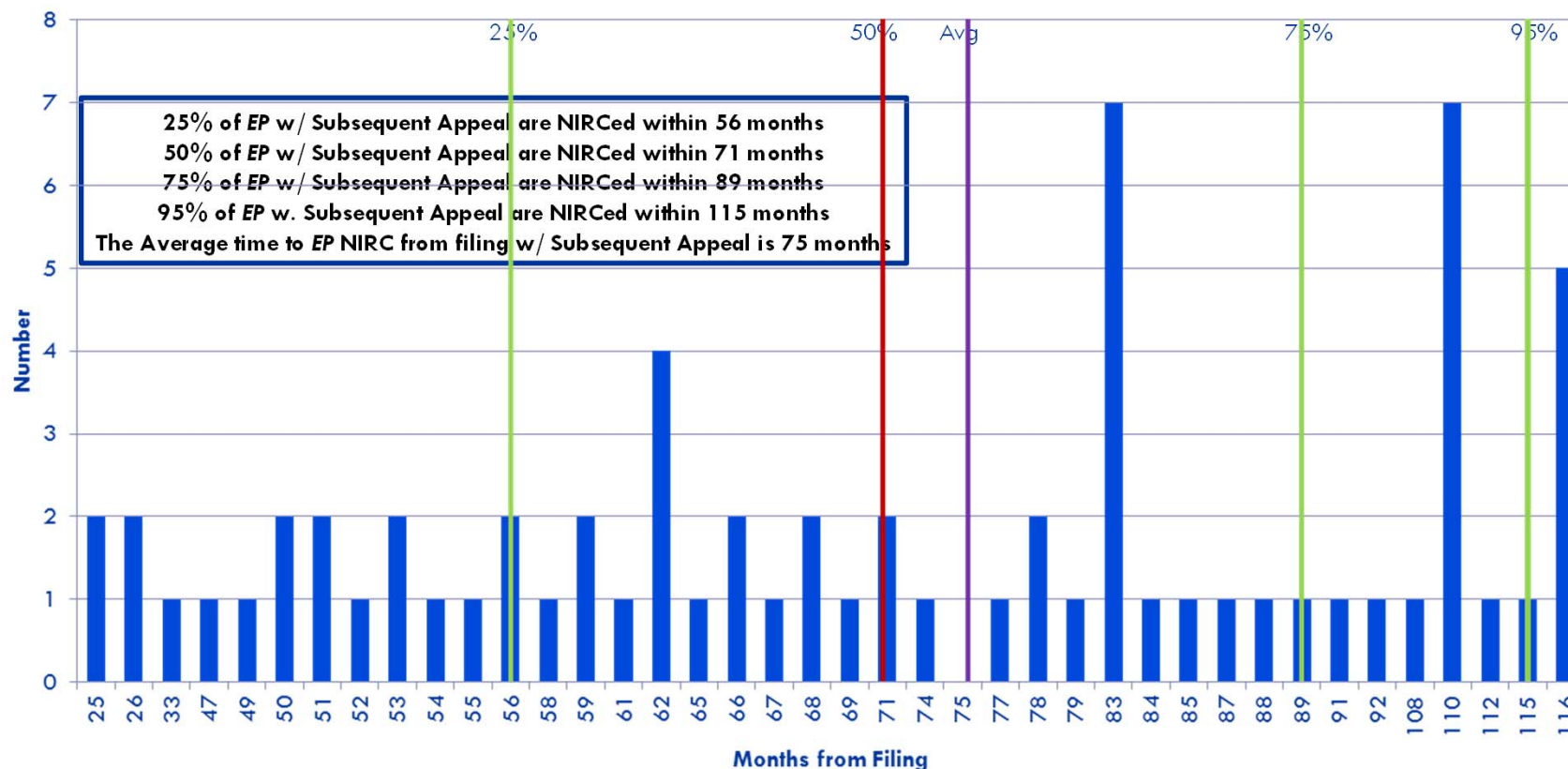
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Fiscal Years 2012-2013

Data as of 9/30/2013



## Ex Parte Total Time from Filing to NIRC With Subsequent Appeal to Federal Circuit

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- Proceedings with Subsequent Appeal normally are heard at the CAFC
- These are not a subset of Slide 10
- Note the significantly smaller sample size relative to slides 9 and 10
- Proceedings with Notice of Intent to Issue Reexamination Certificate mailed Fiscal Years 2012-2013

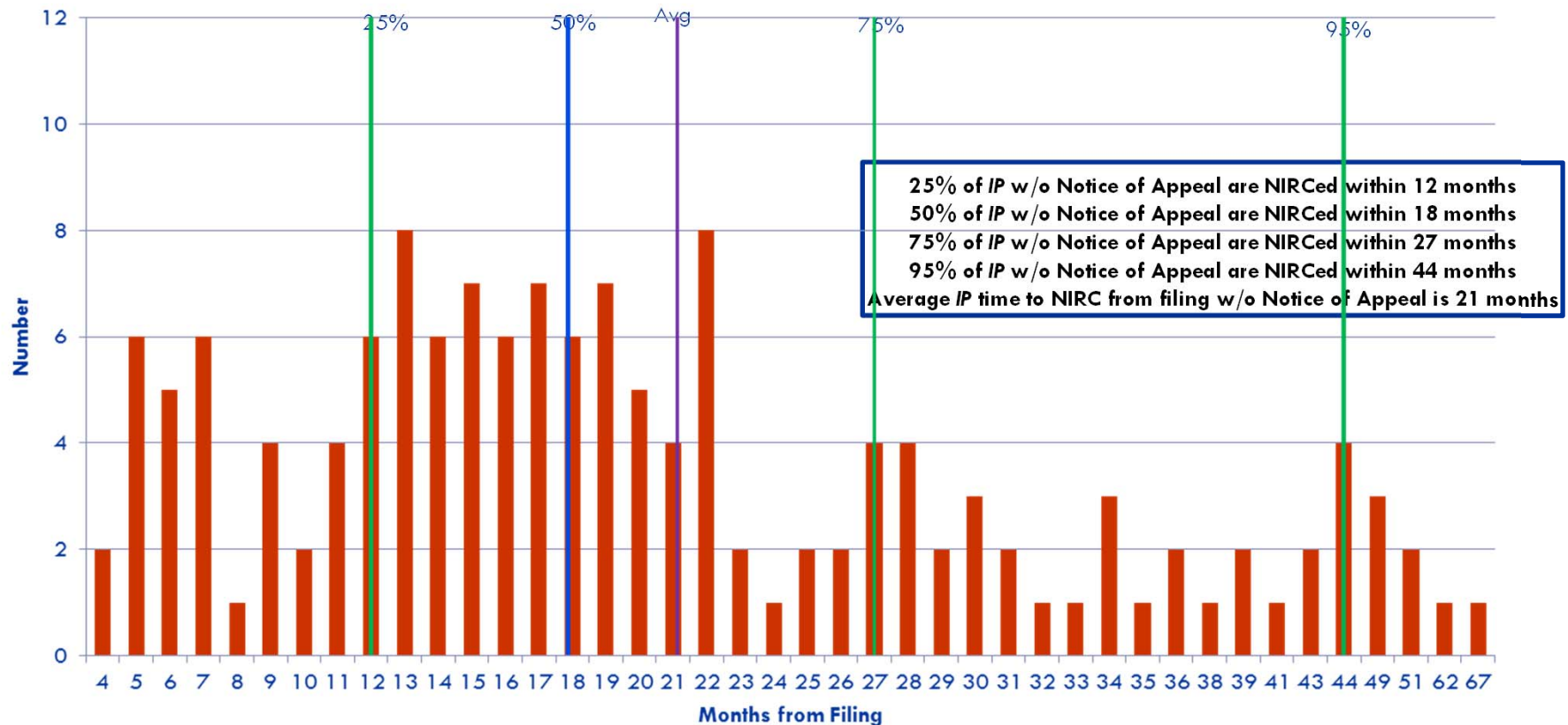
Data as of 9/30/2013





# Inter Partes Total Time from Filing to NIRC with no Notice of Appeal Filed

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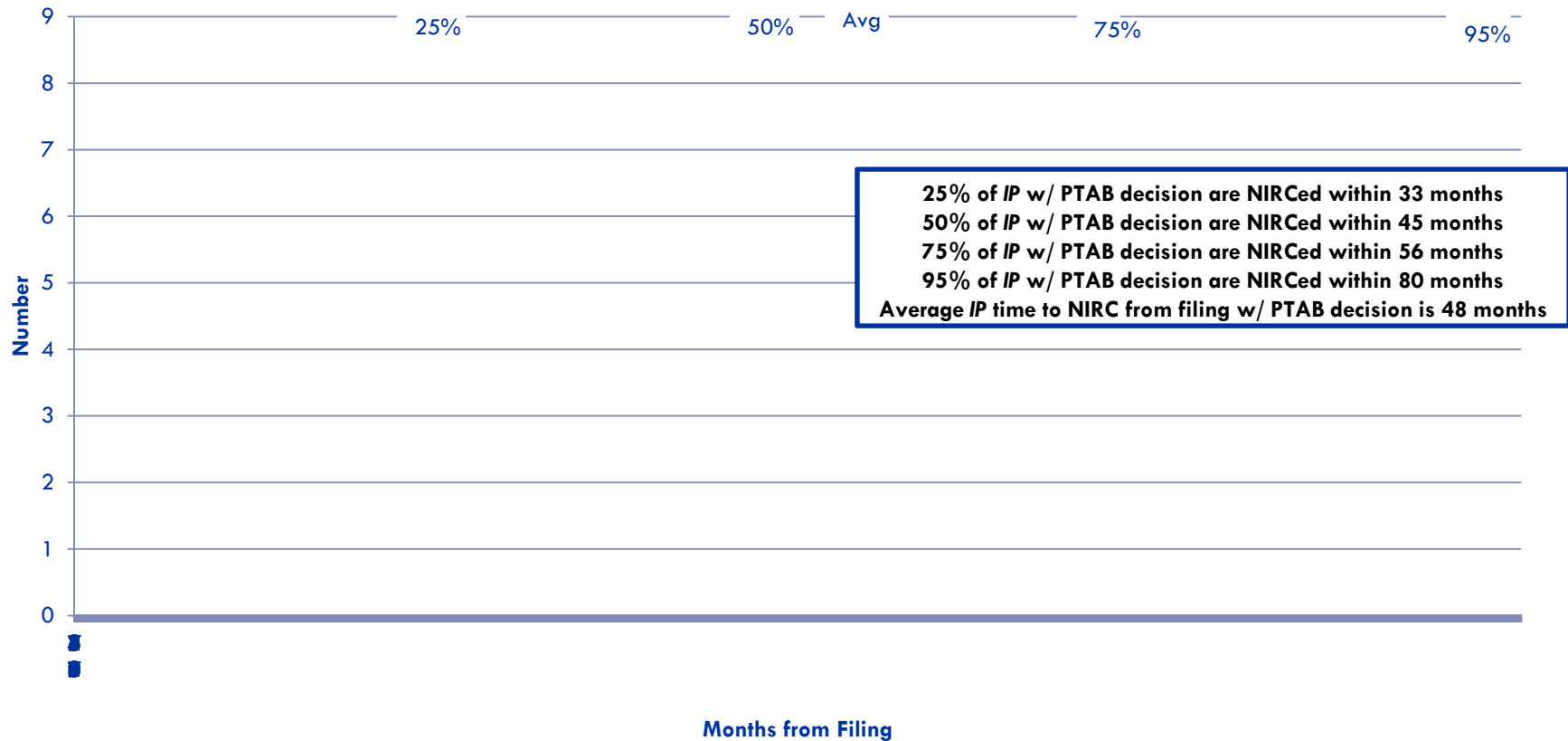
Proceedings with Notice of Intent to Issue Reexamination Certificate mailed  
Fiscal Years 2012-2013

Data as of 9/30/2013



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## Inter Partes Total Time to NIRC with PTAB Decision



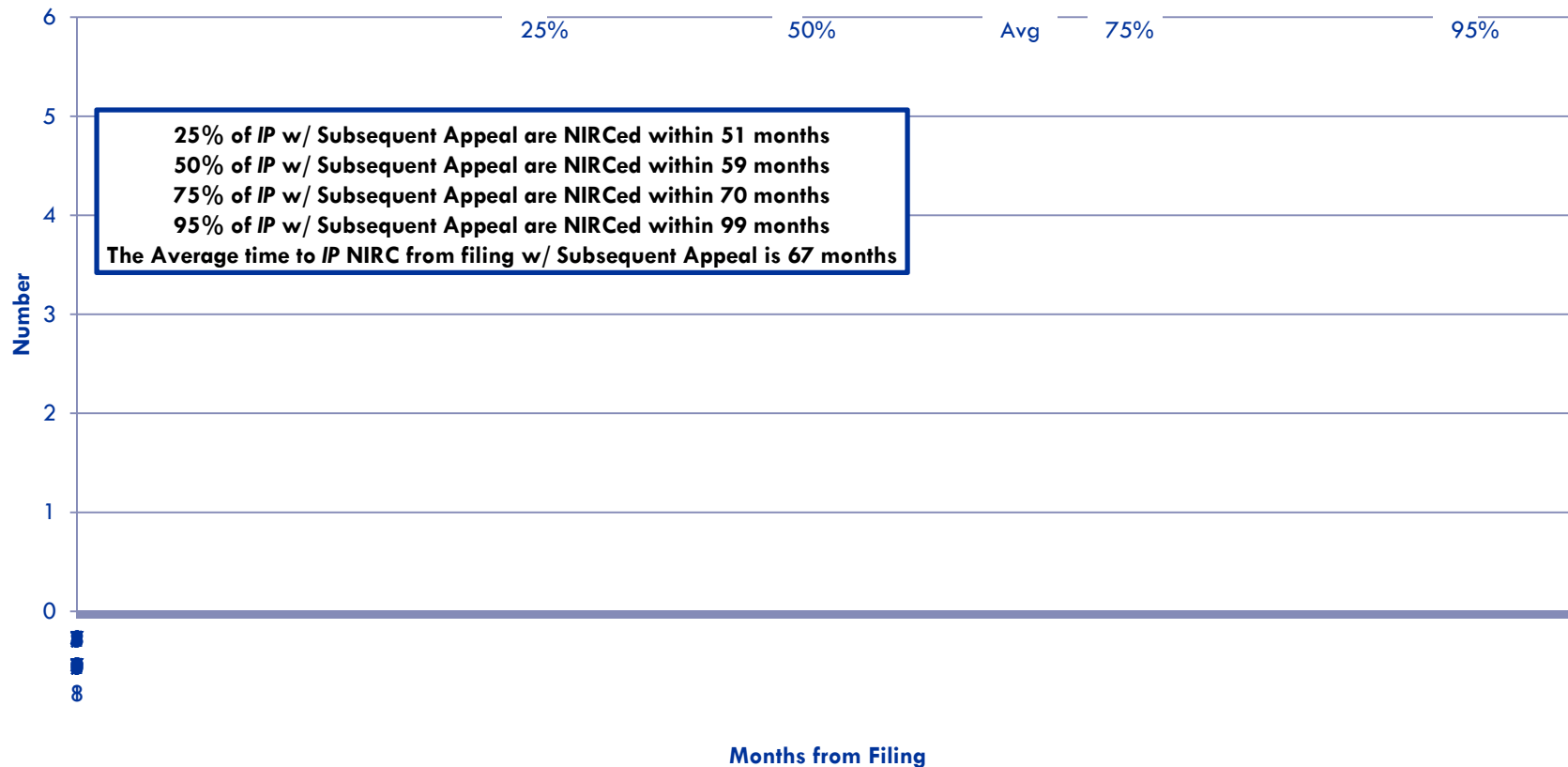
Proceedings with Notice of Intent to Issue Reexamination Certificate mailed  
Fiscal Years 2012-2013

Data as of 9/30/2013



## Inter Partes Total Time from Filing to NIRC with Subsequent Appeal to Federal Circuit

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- Proceedings with Subsequent Appeal normally are heard at the CAFC
- These are not a subset of Slide 12
- Note the significantly smaller sample size relative to slides 12 and 13
- Proceedings with Notice of Intent to Issue Reexamination Certificate mailed Fiscal Years 2012-2013

Data as of 9/30/2013



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## Roll up Tables for Time from Filing to NIRC *Ex Parte* and *Inter Partes* Proceedings NIRC mailed Fiscal Years 2012-2013

### *Ex Parte* Proceedings

	Months to <i>EP</i> NIRC without Notice of Appeal	Months to <i>EP</i> NIRC after PTAB decision	Months to <i>EP</i> NIRC with Subsequent Appeal to the Federal Circuit	All <i>EP</i> NIRC
25% NIRCed within X Months	7	29	56	8
50% NIRCed within X Months	10	35	71	12
75% NIRCed within X Months	15	47	89	23
95% NIRCed within X Months	25	68	115	66
Average	12	39	75	20
Total number of proceedings	853	174	69	1096

### *Inter Partes* Proceedings

	Months to <i>IP</i> NIRC without Notice of Appeal	Months to <i>IP</i> NIRC after PTAB decision	Months to <i>IP</i> NIRC with Subsequent Appeal to the Federal Circuit	All <i>IP</i> NIRC
25% NIRCed within X Months	12	33	51	18
50% NIRCed within X Months	18	45	59	33
75% NIRCed within X Months	27	56	70	52
95% NIRCed within X Months	44	80	99	80
Average	21	48	67	38
Total number of proceedings	149	127	38	314

Data as of 9/30/2013



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## Reexamination Certificates Published Fiscal Years 2012-2013

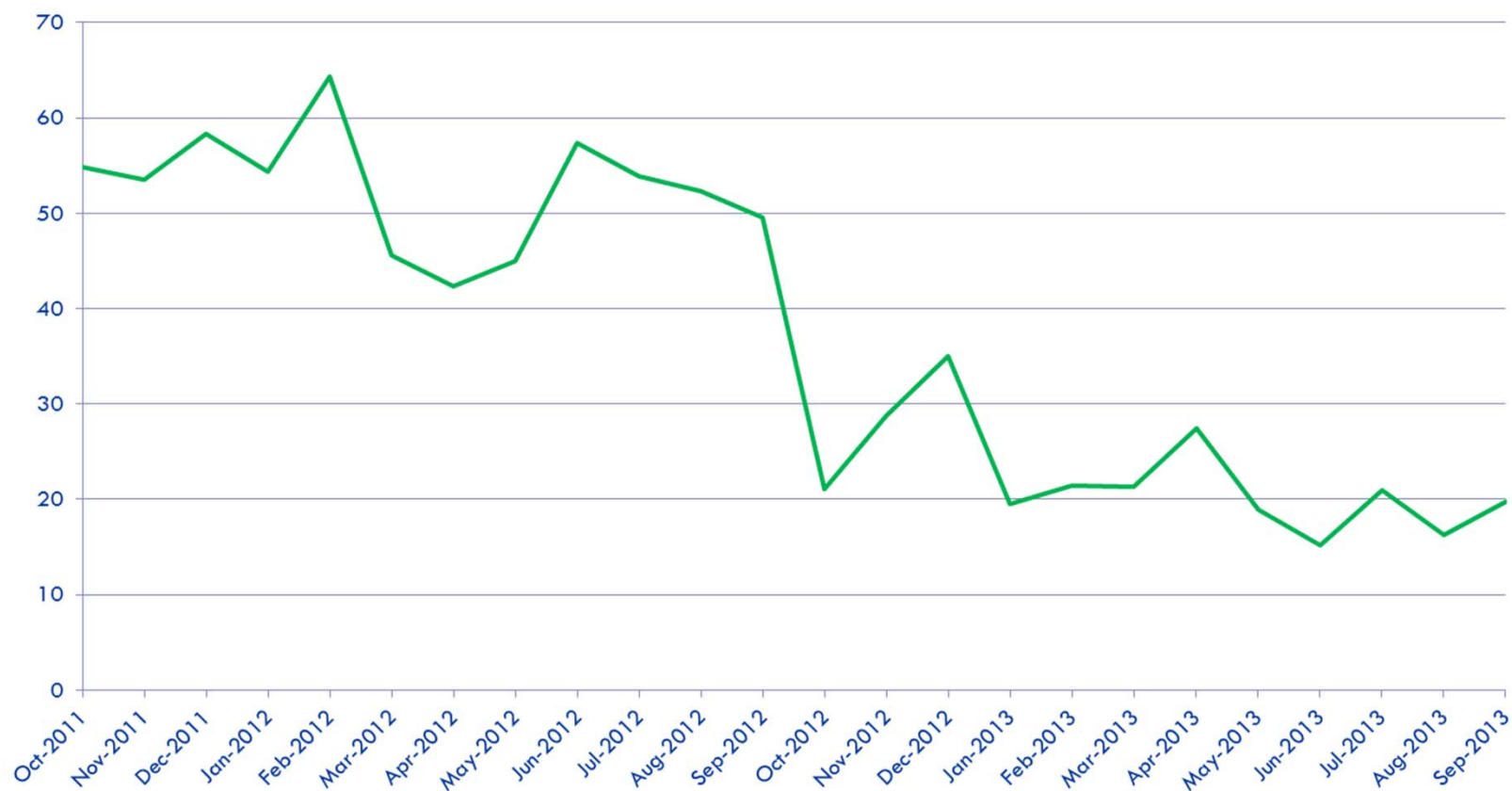
	<i>EP</i>	<i>IP</i>
Number of Certificates (all proceedings including proceedings that are appealed and merged)	1368	407
Average Months to NIRC from filing (includes all proceedings)	21.2	35.7
• Average Months to NIRC without Notice of Appeal (includes merged proceedings)	12.6	21.1
Average Months from NIRC to Certificate both <i>EP</i> and <i>IP</i>	1.23	

- A revamped publication process went into effect on October 1, 2012 and led to shorter publication processing times
- Since Jan 2013:
  - 546 certificates have published
  - 77.5% of all certificates were published in less than 21 days
  - The shortest time to certificate from forwarding to publications is 4 days
  - The average time to certificate is 19 days in the fourth quarter of FY 2013 which is down from an average of 89 days in FY 2011 and 53 days in FY 2012



## Time from NIRC to Certificate Fiscal Years 2012-2013

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Average days to certificate from NIRC mailing

Data as of 9/30/2013



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## All Reexam Appeals Fiscal Years 2012-2013

	<i>EP</i>	<i>IP</i>
Notice of appeals filed	307	508 (includes both PO and 3PR Notice of Appeals)
Examiner's Answers	232	389
Decided by the PTAB	230	298
Pending at PTAB as of 9/30/2013	75	237
Decided by CAFC	83	39
Pending at CAFC as of 9/30/2013	33	58

- Note that all Notice of Appeals do not result in forwarding to the PTAB
- The PTAB and CAFC decisions are during the time period and did not necessarily result from the Notice of Appeals in row 1
- The count of *IP* Notice of Appeals includes proceedings where either the Patent Owner or Third Party filed a Notice of Appeal, however, if both parties appeal it is only counted once

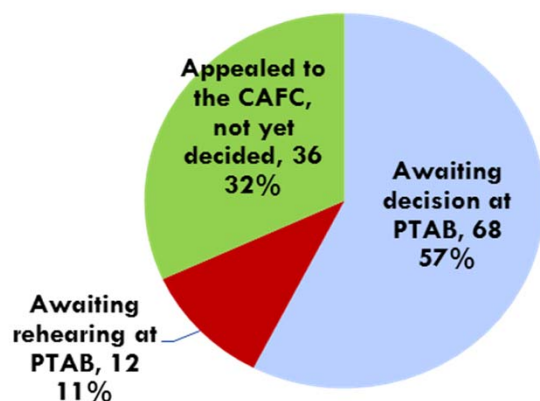
Data as of 9/30/2013

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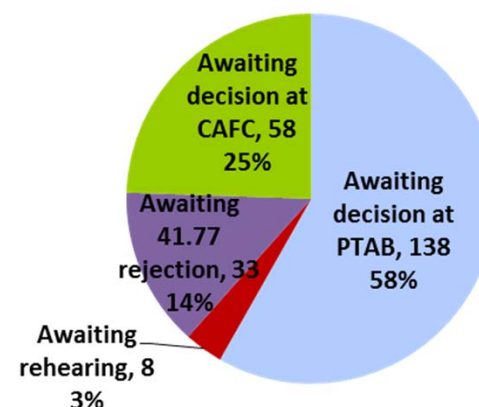


# Current Inventory of Appeals at PTAB & CAFC Oct 2011 through Sept 2013

## EP Pending Appeals



## IP Pending Appeals



	EP Appeals	IP Appeals
Awaiting decision at PTAB	63	138
Awaiting rehearing	12	8
Awaiting 41.77 rejection	NA	33
Appealed to the CAFC, not yet decided	32	58
Total	107	237

- These proceedings are awaiting decision and are a subset from slide 21 rows 3 and 5 to indicate the next action by PTAB or CAFC



**Slide 15**

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**U1**

this is the slide that refers to slide 21

USPTO, 11/15/2013



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## Affirmance Rate at PTAB

### Proceedings decided Fiscal Years 2012-2013

PTAB decision in <i>EP</i> proceedings	Number	Percentage
Decision - Examiner Affirmed	131	65.5%
Decision - Examiner Affirmed in Part	30	15.0%
Decision - Examiner Reversed	39	19.5%
<b>Total</b>	<b>200</b>	

PTAB decision in <i>IP</i> proceedings	Number	Percentage
Decision - Examiner Affirmed	164	57.7%
Decision - Examiner Affirmed in Part	68	23.9%
Decision - Examiner Reversed	38	13.4%
Decision: New Ground of Rejection	14	4.9%
<b>Total</b>	<b>284</b>	

Of the *EP* Affirmance in Part, a total of 1153 rejected claims were appealed

- Of the 1153 appealed rejected claims 912 remained rejected
- In all affirmances-in-part, 79% of the claims remained rejected

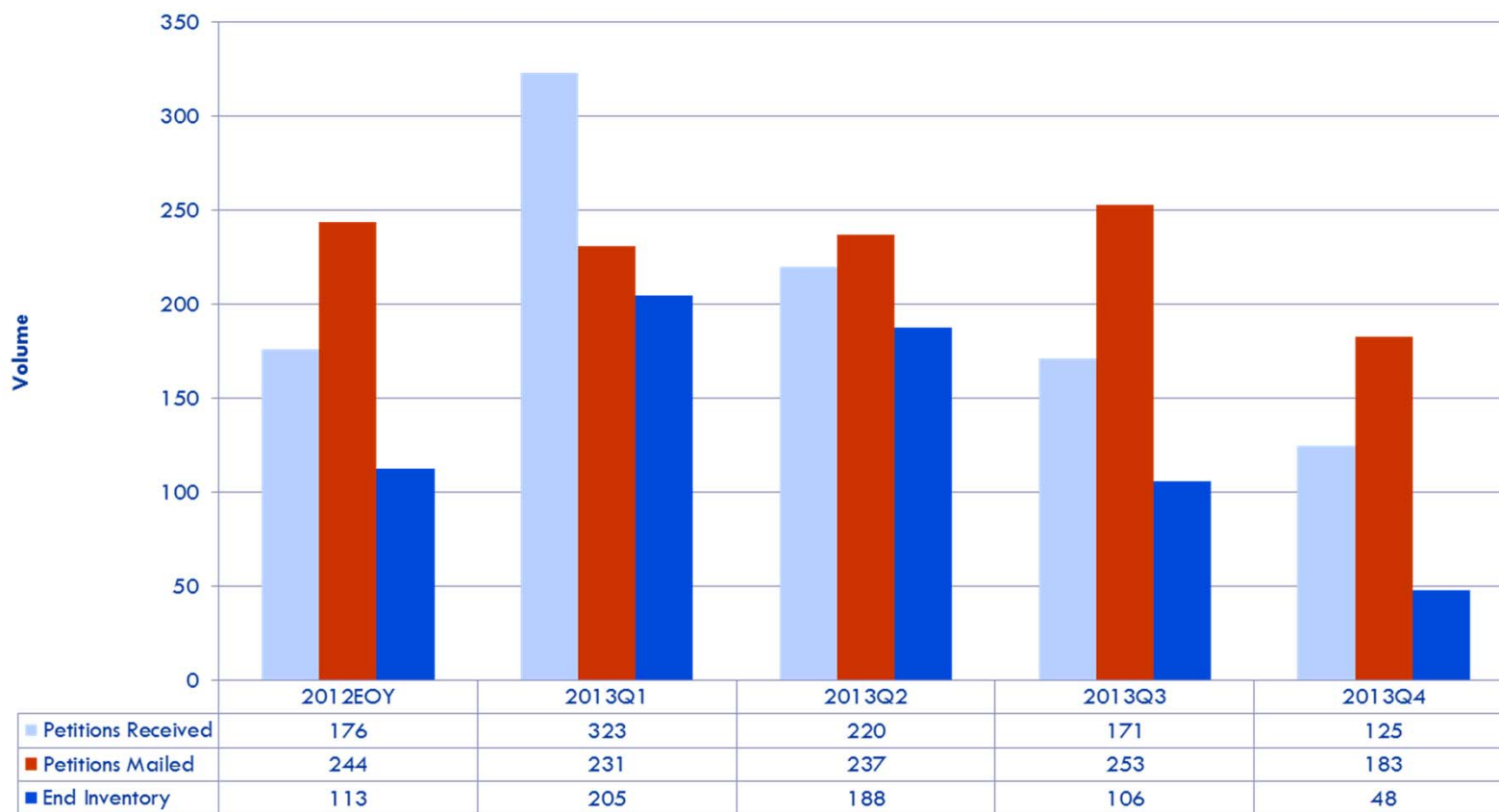
Of the *IP* affirmances-in-part, a total of 1682 rejected claims were appealed

- Of the 1682 appealed rejected claims 882 remained rejected
- In all affirmances-in-part, 52.7% of the claims remained rejected
- Note: the rejections in *IP* appeals are generally those set forth by Third Party Requester



# CRU Petitions FY 2013

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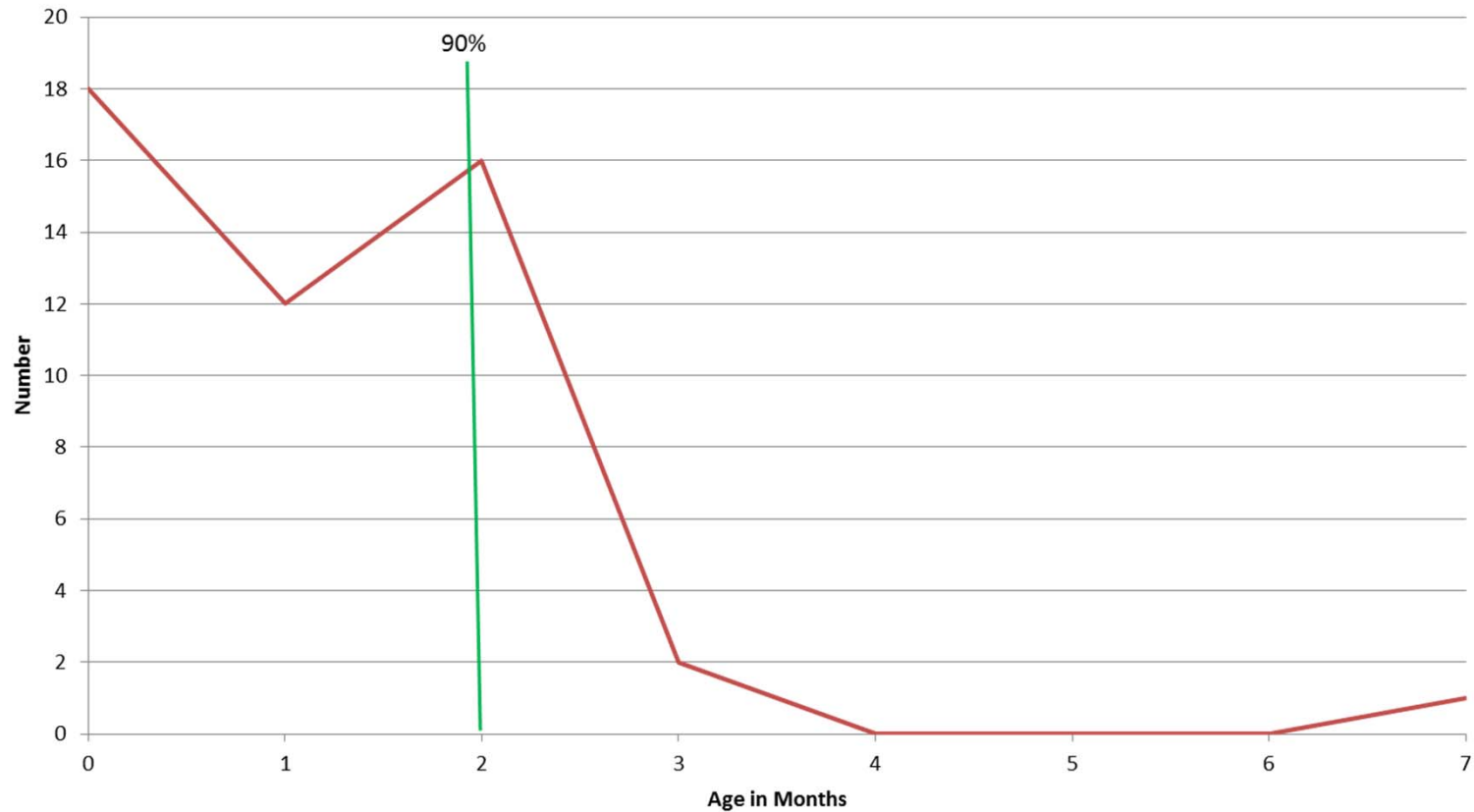


Data as of 9/30/2013



## Total CRU Petitions Inventory as of 9/30/2013

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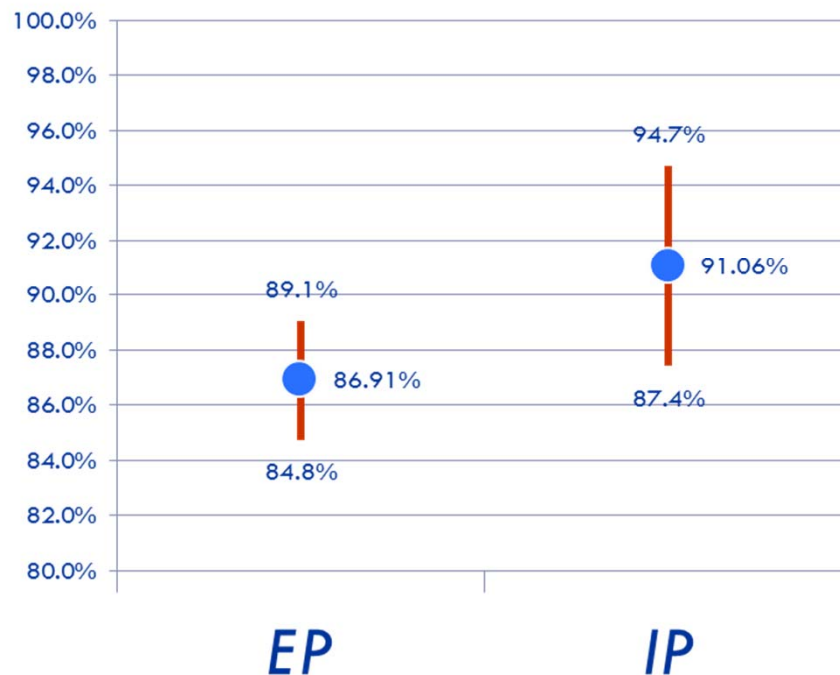


Data as of 9/30/2013



## Percentage of Patents with Claims Modified or Canceled in Reexam Certificates Apr 2012 through Sept 2013

### Normalization of Certificates with all claims canceled or changes to the claims



- Chart shows the 95% confidence interval of the percentage of reexaminations where claims are changed or all claims are canceled
- Amendments to claims in Reexamination Proceedings are relinquishing of scope